

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

By: Carmencita María Pedro, *pro se* Plaintiff
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Carmencita María Pedro
***pro se* Plaintiff**

v.

**United States Equal Employment
Opportunity Commission, et al.**
Defendants

Civil Action No. 21-01462:

**A Civil Rights Cause of Action in
Employment Discrimination and
A Public Interest Matter**

**Objection to the Judicial Assignment of
United States District Court Judge
Joel H. Slomsky in Protest and Opposition
to Local Rule 40.1(b)(3)(B) Pertaining to
Related Cases¹**

NOTICE OF APPEAL

¹ In *Carmencita María Pedro v. City Fitness, LLC., et al.* – Civil Action No. 15-04964, Deasey, Mahoney & Valentini, LTD., Attorney Rufus Jennings and their clients — City Fitness, LLC., et al. — conspired amongst themselves and with others known and unknown to manufacture The FORGERY of Carmencita María Pedro’s signature and printed/handwritten name on fabricated evidence of legal significance to the litigation, which they marked “Exhibit C” and intentionally filed of the record on 23 August 2017 in the United States District Court for the Eastern District of Pennsylvania on the Civil Docket Report at Document No. 60-3, p. 3 — 4. Ms. Pedro reported The FORGERY to Judge Slomsky on three (3) separate occasions (Document Nos. 64, 69 and 78). In response, Judge Slomsky stood silent for six months, he took no action for six months, and he convened no evidentiary hearings for six months. Once Judge Slomsky finally emerged on 30 March 2018, he dismissed Ms. Pedro’s entire lawsuit with prejudice as judicial acts of intentional discrimination and intentional retaliation because she reported the criminal wrongdoing that has been perpetrated in legal proceedings under his authority and jurisdiction (Document Nos. 82 and 83). After Judge Slomsky intentionally turned a willful blind eye to The FORGERY, he granted Deasey, Mahoney & Valentini, LTD., Attorney Rufus Jennings and their clients — City Fitness, LLC., et al. — relief that allowed them to succeed in their corrupt endeavor to intentionally defraud the federal court with phony evidence: The FORGERY. In the pendent Jim Crow legal proceedings in Civil Action No. 15-04964 that have deprived Ms. Pedro of her constitutional rights to due process and equal protection under the law as a woman of color, Judge Slomsky has also granted Deasey, Mahoney & Valentini, LTD., Attorney Rufus Jennings and their clients, City Fitness, LLC., et al.: (1.) his judicial authorization to act with impunity and intentionality in their commission of the federal crimes of fraud, forgery and fabrication of evidence; and (2.) his judicial permission to both outright and repeatedly lie to the Court and victimize, traumatize, harass, threaten, intimidate and torment Ms. Pedro with a Ku Klux Klan reign of terror with impunity and intentionality because they are wealthy white men, with whom Judge Slomsky shares a highly improper, highly unethical and highly illegal paternal relationship, where the Defendants and their legal counsel are afforded privilege, protection and deep-seated favoritism. Whereas, Ms. Pedro is an unrepresented woman of color and a vociferous, zealous, tenacious and unapologetic civil rights advocate, against whom Judge Slomsky harbors deep-seated antagonism, racial prejudice and gender bias. The FORGERY is hereby attached hereto, incorporated into and made part hereof, by reference, and set forth and full herein at p. 2 infra. Ms. Pedro’s **true and authentic** signature is affixed herein at p. 10 infra.



Day of change
3/15/18 effective

New Hire Info Sheet

Employee Name: CARMENCITA DEORO

Position: GROUP EX LEADER

Hire Date: _____

Location (please circle one):

Northern Liberties

South Street

Both

Pay Structure (please circle one):

Hourly

Salary

Rate of Pay: \$ 75 WKLY = \$150 PAY PERIOD

Commission Structure (please circle one of the following):

Commission Plus

Draw vs Commission

N/A

Check Dates: 5th and 20th of every month

EMPLOYEE PRINT: _____

DATE: _____

SIGNATURE: _____

SUPERVISOR PRINT: _____

DATE: _____

SIGNATURE: _____

CHANGE PAY TO \$100 WKLY
OR
\$200 PAY PERIOD
\$100 per club per pay period.

AND NOW, the *pro se* Plaintiff, Carmencita María Pedro, hereby files this timely Notice of Appeal to the United States Court of Appeals for the Third Circuit contesting the Order entered by United States District Court Judge Joel H. Slomsky on Thursday, 8 July 2021 (Document No. 9) because Judge Slomsky willfully failed and outright refused to consider and rule upon the timely ex parte “Application To Proceed In District Court Without Prepaying Fees Or Costs (Long Form)” bearing Ms. Pedro’s **true and authentic** signature and handwriting that she completed, dated and successfully submitted to Judge Slomsky for his review, consideration and adjudication on Monday, 28 June 2021, and further supplemented on Thursday, 1 July 2021. In support thereof, Ms. Pedro avers as follows:

In his Memorandum Opinion entered on Thursday, 8 July 2021 and docketed on Friday, 9 July 2021 (Document No. 8), Judge Slomsky wrote, in pertinent part, the following at p. 3:

“...In a June 21, 2021 Order, which was docketed on June 22, 2021, the Court denied Pedro’s recusal motion and directed her to either pay the fees or file a motion for leave to proceed in forma pauperis within seven days. (ECF No. 7.) The Order explained that “[f]ailure to either pay the fees or file a motion to proceed in forma pauperis in this time frame will be understood as a deliberate refusal to comply with the Court’s Order, which will result in a dismissal of this case with prejudice.” (Id.) Pedro did not comply with the Order...” [Emphasis supplied.]

Judge Slomsky's erroneous judicial finding that "*Pedro did not comply with the Order.*" is categorically false. Judge Slomsky's erroneous judicial finding against Ms. Pedro is demonstrative of his judicial misconduct, specifically: Judge Slomsky's inherent inability and his outright unwillingness to correctly decipher and discern all pleadings, documents, forms and information pertaining to Ms. Pedro – **especially documents containing Ms. Pedro's true and authentic signature, printed name and handwriting** – which are presented to him for his judicial review, consideration and adjudication. Judge Slomsky's judicial misconduct is an improper, unethical and unlawful consequence of the deep-seated antagonism, racial prejudice and gender bias he harbors against Ms. Pedro because she is an unrepresented woman of color and a vociferous, zealous, tenacious and unapologetic civil rights advocate. Moreover, Judge Slomsky's erroneous judicial finding against Ms. Pedro further evidences the prevalence of corruption and record tampering: (a.) in legal proceedings under the authority and jurisdiction of Judge Slomsky, and (b.) within the Office of the Clerk of Court for the United States District Court for the Eastern District of Pennsylvania ("District Court").

All the above – singularly and collectively – erodes public trust and public confidence in the federal judiciary, and it is therefore, a matter of public interest that gives rise to an abundance of questions and concerns regarding

Judge Slomsky and the Clerk's Office, relative to the exact scope and the full extent of other federal court cases – both civil and criminal – where corruption and tampering with the record is also occurring, which Ms. Pedro has experienced, documented and reported in Civil Action No. 15-04964 in her capacity as a party, a litigant and member of the general public at large.

In truth and in fact, Ms. Pedro complied with the Order Judge Slomsky entered in Civil Action No. 21-01462 on Monday, 21 June 2021 (Document No. 7), as follows:

1. Ms. Pedro successfully filed a timely “*motion for leave to proceed in forma pauperis*” in the District Court, specifically, a timely ex parte “Application To Proceed In District Court Without Prepaying Fees Or Costs (Long Form)” (hereinafter “*Application/motion for leave to proceed in forma pauperis*”), which is a 5-page document that Ms. Pedro completed, signed, dated Monday, 28 June 2021 and successfully submitted to Judge Slomsky via email addressed and successfully transmitted to Clerk of Court Kate Barkman, Esquire on Monday, 28 June 2021 at 11:27 PM [Subject: “Re: Carmencita María Pedro v. United States Equal Employment Opportunity Commission, et al. – Civil Action No. 21-01462 – Ex Parte Application To Proceed In District Court Without Prepaying Fees Or Costs (Long Form)”] at the following email address: Kate Barkman@paed.uscourts.gov.

2. On Monday, 28 June 2021 at 11:27 PM, Ms. Pedro successfully transmitted her email addressed to Ms. Barkman at Kate Barkman@paed.uscourts.gov from her primary email account: carmencitapedro@gmail.com – which is on file with the District Court, as evidenced by the Civil Docket Report of Civil Action No. 21-01462.
3. The verbatim text of Ms. Pedro's email addressed and successfully transmitted to Ms. Barkman dated Monday, 28 June 2021 (11:27 PM) explicitly states the following:

“Dear Ms. Barkman: Attached hereto as a PDF, you will find a completed ex parte “Application To Proceed In District Court Without Prepaying Fees Or Costs (Long Form)” containing my true and authentic signature and handwriting, which I hereby submit to you with the ask that you kindly forward my Application to Judge Slomsky for review, as it is not to be filed in the public record on the Civil Docket Report. Thank you. Respectfully, /s/ CARMENCITA MARÍA PEDRO Carmencita María Pedro” [Emphasis supplied.]
4. The Application/“*motion for leave to proceed in forma pauperis*” Ms. Pedro completed, dated and successfully submitted to Judge Slomsky on Monday, 28 June 2021 for his review, consideration and adjudication contains her **true and authentic** signature and her printed/handwritten name, as indicated supra and evidenced therein.
5. The Application/“*motion for leave to proceed in forma pauperis*” Ms. Pedro completed, signed, dated and successfully submitted to Judge Slomsky on Monday, 28 June 2021 for his review, consideration

and adjudication was accessed and downloaded from the District Court's official, public website:

<https://www.paed.uscourts.gov/documents/forms/ifpl.pdf>

6. The Application/“*motion for leave to proceed in forma pauperis*” Ms. Pedro completed, signed, dated and successfully submitted to Judge Slomsky on Monday, 28 June 2021 for his review, consideration and adjudication was attached as a 5-page PDF to the email she addressed and successfully transmitted to Ms. Barkman on Monday, 28 June 2021 at 11:27 PM, as indicated therein.
7. As of the date and time of this Notice of Appeal, the whereabouts of Ms. Pedro's Application/“*motion for leave to proceed in forma pauperis*” that she timely filed and successfully submitted to Judge Slomsky for his review, consideration and adjudication by and through the email she successfully transmitted to Ms. Barkman on Monday, 28 June 2021 at 11:27 PM is presently unknown to Ms. Pedro. However, the whereabouts of Ms. Pedro's timely Application/“*motion for leave to proceed in forma pauperis*” is known to Ms. Barkman and to Judge Slomsky.
8. As a supplement to her timely Application/“*motion for leave to proceed in forma pauperis*,” Ms. Pedro successfully submitted an ex parte letter addressed to Judge Slomsky dated Thursday, 1 July 2021 (and other documents totaling 10 pages) via email addressed and successfully

transmitted to Ms. Barkman on Thursday, 1 July 2021 at 9:09 AM [Subject: “Re: Carmencita María Pedro v. United States Equal Employment Opportunity Commission, et al. - Civil Action No. 21-01462 – Supplemental Information for Ex Parte Application To Proceed In District Court Without Prepaying Fees Or Costs (Long Form)”] at the following email address: Kate Barkman@paed.uscourts.gov.

9. On Thursday, 1 July 2021 at 9:09 AM, Ms. Pedro successfully transmitted her email addressed to Ms. Barkman at Kate Barkman@paed.uscourts.gov from her primary email account: carmencitapedro@gmail.com – which is on file with the District Court, as evidenced by the Civil Docket Report of Civil Action No. 21-01462.
10. The verbatim text of Ms. Pedro’s email addressed and successfully transmitted to Ms. Barkman dated Thursday, 1 July 2021 (9:09 AM) states the following:

“Dear Ms. Barkman: Attached hereto as a PDF, you will find my letter to Judge Slomsky dated Thursday, 1 July 2021, which provides supplemental information as a follow-up to the electronic submission you received from me via email on Monday, 28 June 2021 at 11:27 PM. Said email appears below. Kindly forward my letter to Judge Slomsky for review. Thank you. Respectfully, /s/ *CARMENCITA MARÍA PEDRO* Carmencita María Pedro [Emphasis supplied.]”

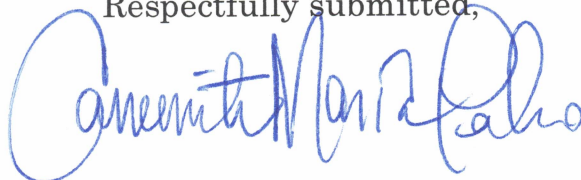
11. Ms. Pedro's letter dated Thursday, 1 July 2021 that she addressed and successfully submitted to Judge Slomsky for his review, consideration and adjudication contains her **true and authentic** signature and printed/handwritten name, as indicated supra and evidenced therein.
12. The letter Ms. Pedro signed, dated, addressed and successfully submitted to Judge Slomsky on Thursday, 1 July 2021 for his review, consideration and adjudication – together with other supplemental documents – was attached as a 10-page PDF to the email she addressed and successfully transmitted to Ms. Barkman on Thursday, 1 July 2021 at 9:09 AM, as indicated therein.
13. As of the date and time of this Notice of Appeal, the whereabouts of Ms. Pedro's letter and supplemental documents addressed and successfully submitted to Judge Slomsky for his review, consideration and adjudication by and through the email she successfully transmitted to Ms. Barkman on Thursday, 1 July 2021 at 9:09 AM is presently unknown to Ms. Pedro. However, the whereabouts of Ms. Pedro's letter and supplemental documents are known to Ms. Barkman and to Judge Slomsky.

Documents Incorporated By Reference

Judge Slomsky's Order entered on Monday, 21 June 2021 and his Order and Memorandum Opinion entered on Thursday, 8 July 2021 (Document Nos. 7, 8 and 9, respectively) are hereby attached hereto, incorporated into and made part hereof, by reference, as though set forth and full herein and marked accordingly.

Ms. Pedro's emails addressed and successfully transmitted to Ms. Barkman on Monday, 28 June 2021 at 11:27 PM and Thursday, 1 July 2021 at 9:09 AM are hereby attached hereto, incorporated into and made part hereof, by reference, as though set forth and full herein and marked as Exhibit A and Exhibit B, respectively.

Respectfully submitted,



Carmencita María Pedro
pro se Plaintiff

Date: Friday, 9 July 2021

Courtesy Copies To: United States Equal Employment Opportunity Commission and City of Philadelphia Commission on Human Relations;

Public Interest Copies To: American Civil Liberties Union; NAACP Legal Defense and Educational Fund, Inc.; and Federal Community Defenders Office for the Eastern District of Pennsylvania